

[17th December 1954]

* THE HON. SRI C. SUBRAMANIAM :—" I agree to the Select Committee sitting in Malabar. Under rule 99 of the Madras Assembly Rules, I move—

' That the leave of the House be granted to the Joint Select Committee appointed to consider the Madras Marumakkattayam (Amendment) Bill, 1954 (L.A. Bill No. 16 of 1954), to hold its sittings in Malabar whenever the Committee considers it necessary to do so.' "

The motion was put and carried.

IV.—GOVERNMENT RESOLUTION RE

RATIFICATION OF THE AMENDMENT OF THE SEVENTH SCHEDULE
 PROPOSED UNDER THE CONSTITUTION (THIRD AMENDMENT) BILL, 1954.

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, I move—

' This House ratifies the amendment of the Seventh Schedule to the Constitution of India proposed to be made by the Constitution (Third Amendment) Bill, 1954, as passed by the two Houses of Parliament.'

" Soon after the second World War broke out, certain essential commodities such as food articles, were in short supply and their prices also shot up. The Government of India thereupon issued certain Control Orders under the Defence of India Rules to regulate the supply and prices of these essential articles. As the Defence of India Rules ceased to be operative after 30th September 1946 and as it was necessary to continue the control Orders, the Government of India enacted a self-contained Act called the Essential Supplies (Temporary Powers) Act, 1946, for the exercise of powers in relation to the production, supply and distribution of some of the essential articles. The Act, as stands to-day, is valid till 25th January 1955 and is applicable to the following articles :—

- (i) Foodstuffs;
- (ii) Cattle fodder;
- (iii) Cotton and woollen textiles;
- (iv) Raw cotton;
- (v) Cotton seed;
- (vi) Paper;
- (vii) Petroleum and Petroleum products;
- (viii) Spare parts of mechanically propelled vehicles;
- (ix) Coal;
- (x) Iron and steel; and
- (xi) Mica.

" Although the position in regard to the supply and prices of the essential articles referred to above has improved, still the Government of India consider that they should be clothed with adequate

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powers to control the supply and distribution of foodstuffs, cattle-fodder, cotton, jute and their products, fertiliser-mixtures and imported goods, so that any possible emergency might be squarely met. They therefore mooted a proposal to amplify entry 33 of Part III (Concurrent List) of the VII Schedule to the Constitution so as to include the essential commodities mentioned above and invited the views of the State Governments on the proposal. Although the amendment would take away the exclusive right of the State Governments to legislate in respect of the commodities in question, this Government considered that the Centre has always a prominent part to play in regard to the distribution of essential articles which are in short supply and that the larger public interests would be served by the Centre exercising concurrent powers in this regard. They, therefore, conveyed their general concurrence to the amendment, and at the same time, pointed out that the powers sought by the Government of India should be exercised by them only in circumstances of exceptional emergency and that too after closest consultation and with maximum concurrence of those State Governments.

" The Amendment Bill was passed by the requisite majorities both by the Lok Sabha and Rajya Sabha and it has now been referred to State Governments for ratification by the Legislatures before being presented to the President for his assent. The Bill requires to be ratified by the Legislatures of not less than one half of the States specified in parts A and B of the first schedule to the Constitution. The Bill has been necessitated on account of the larger considerations of planning and co-ordination. There is no intention on the part of the Centre to encroach upon the domain of the States and this had been made clear during the debate in the Parliament.

" Hon. Members may be aware that though legislation in respect of these goods is in the State List, Article 369 of the Constitution of India empowers the Central Government to legislate in respect of them as if it is a matter in the Concurrent List for a period of five years from the commencement of the Constitution. That period of five years expires on 25th January 1955. The question for consideration by the House is whether that power should continue to be vested concurrently in the Central and the State Governments. If the control of production, supply and distribution is to be effective, the control should be All-India Control; control by certain States will not be effective. Control by the Centre will be in the best interests of the country as a whole.

" Some hon. Members seem to think that we are surrendering our powers to the Central Government. I have absolutely no doubt that our State will be considerably benefited by the control of these goods by the Centre. We have no cause to complain against control by the Centre. Whenever the Central Government exercise their power, I have no doubt that they will take into consideration the views of the State Governments. In these circumstances,

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we need not be under the impression that we are surrendering to the Central Government a power which is necessary for the administration of this State.

"I commend this resolution for the unanimous acceptance of the House."

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MR. SPEAKER :—" Motion moved—

' This House ratifies the amendment of the Seventh Schedule to the Constitution of India, proposed to be made by the Constitution (Third Amendment) Bill, 1954, as passed by the two Houses of Parliament.' "

* SRI N. K. PALANISAMY :—" கனம் சபாநாயகர் அவர்களே, கனம் நிதி மந்திரி அவர்கள் இப்பொழுது பிரேரேபித்திருக்கும் இந்தத் தீர்மானத்தை நான் எதிர்க்கிறேன். தற்சமயம் மாகாணத்திற்கு இருக்கக் கூடிய சுதந்தரத்தை மத்திய சர்க்காருக்கு வாங்கிக் கொடுப்பதாக இது இருக்கிறது. இந்திய அரசியல் சட்டம் 369 ஆவது பிரிவு பிரகாரம் மத்திய சர்க்காருக்கு எவ்வளவோ அதிகாரம் இருந்த போதிலும் இப்பொழுது அதில் கொஞ்சம் அதிகாரம் இல்லை. இது வரையில் மத்திய சர்க்காருக்கு விவசாய பொருள்களின் உற்பத்தி சம்பந்தமான அதிகாரம் அவர்கள்கையில் இருந்தது. இந்த 369 ஆவது பிரிவு பிரகாரம் அவர்களுக்கு இம்மாதிரி ஐந்து வருஷங்களுக்கு அந்த அதிகாரம் இருந்து வந்தது. இப்பொழுது அந்த அதிகாரம் அவர்களுக்குத் தீர்ந்து விட்டது. அதை மறுபடியும் பெறுவதற்கு இந்தத் தீர்மானத்தை இங்கு இப்பொழுது கொண்டுவந்திருக்கிறார்கள். உண்மையாக பார்க்கும்போது மத்திய அரசாங்கத்திற்கு எவ்வளவோ அதிகாரம் இருந்தும்போது இந்த விவசாயப் பொருள்கள் சம்பந்தமாக அதிகாரம் மாகாண சர்க்காரிடம் விட்டிருக்க வேண்டும். அப்படி விடாமல் அதையும் இப்பொழுது ஐந்து வருஷங்கள் கழிந்தவுடன் எடுத்துக்கொள்வது என்பது சரியல்ல. மாகாண சர்க்காருக்கு விவசாய பொருள்களின்மீது அதிகாரம் இருந்தால்தான் மாகாண சர்க்காருக்கு எவ்வளவோ காரியங்களைச் செய்ய முடியும். குறிப்பாக எடுத்துக்கொண்டால் யுத்த காலத்தில் வங்காளத்தில் அரிசி இல்லாமல் ஜனங்கள் எவ்வளவோ கஷ்டப்பட்டார்கள் என்பது எல்லோருக்கும் தெரியும். அப்பொழுது மத்திய சர்க்கார் அவர்களுக்குத் தக்கபடி அரிசி கொடுக்காமல் இருந்ததும் நமக்கு நன்றாகத் தெரியும். மற்றும் பஞ்சாப் அரிசி மதராசுக்குப் போய்க்கொண்டும் மதராஸ் அரிசி பஞ்சாப்புக்குப் போய்க்கொண்டுமிருந்தது. இவ்விதம் ஒரு இடத்திலிருந்து மற்றொரு இடத்திற்குத் திருப்பி திருப்பி அனுப்பும்படியான நிலை ஏற்பட்டிருந்தது என்பது எல்லோருக்கும் தெரியும். அதனால் ஜனங்கள் எவ்வளவு கஷ்டப்பட்டார்கள் என்பதும் எல்லோருக்கும் தெரியும். இப்பொழுது நமக்கு சுதந்தரம் வந்துவிட்டது. அதனால் கண்டிப்பாக இந்த அதிகாரத்தை நாம் மத்திய அரசாங்கத்திற்குக் கொடுக்கக்கூடாது. இந்தியாவிலுள்ள பாதி மாகாணங்கள் இந்தத் தீர்மானத்தை ஆதரித்தால் அதை ஒப்புக்கொண்டதாக ஆகும் என்று இந்தத் தீர்மானத்தை நமக்கு அனுப்பி இருக்கிறார்கள். இந்தியாவிலுள்ள பல மாகாணங்கள் இதை எதிர்த்திருக்கின்றன. பம்பாய் ராஜ்யம் இதை எதிர்த்திருக்கிறது. அதனால் நாம் இதை எதிர்க்கவேண்டும். இப்படி பல மாகாணங்கள் இதை எதிர்த்திருந்தும் ஏன் இதை மறுபடியும் இங்கு கொண்டுவந்திருக்கிறார்கள் என்பது தெரியவில்லை. எந்தெந்த வகைகளில் மாகாண சர்க்கார் அதிகாரத்தை எடுத்துக்கொள்ளவேண்டும் என்று அரசியலில் சொல்லப்பட்டிருக்கிறது. அப்படி இருக்கும்போது நமக்கு இப்பொழுது ஐந்து வருஷங்களுக்குப் பின் கிடைத்திருக்கும் இந்த அதிகாரத்தை நாம் ஏன் மறுபடியும் அவர்களுக்குக் கொடுக்கவேண்டும்? விவசாயப் பொருள்கள் பேரிலுள்ள அதிகாரம் மாகாண சர்க்காருக்குத் தான் இருக்க வேண்டும், அது மத்திய சர்க்காருக்கு இருக்கக் கூடாது,

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அன்றே இதைப்பற்றி சொல்லி இருக்கிறார்கள், ஐந்து வருஷங்கள் முடிந்தவுடன் மாகாண சர்க்காருக்குக் கொடுத்துவிடவேண்டும் என்று. இந்த முறையில் இந்தத் தீர்மானத்தை நிறைவேற்றினால் கண்டிப்பாக இது அரசியல் சட்டத்திற்கு விரோதமாக இருக்கும். ஏற்கெனவே இருப்பது என்னவென்றால் ராஜ்யத்தில் ஏதாகிலும் நெருக்கடி ஏற்பட்டால் ராஜ்ய சபையில் மூன்றில் இரண்டு பங்கு அங்கத்தினர்கள் ஒப்புக்கொண்டால் இதை மற்றும் ஒரு வருஷத்திற்கு நீட்டிக் முடியும் என்றிருக்கிறது. அப்படி இருக்கும்போது ஏன் மத்திய சர்க்கார் இந்த அதிகாரத்தை பிடுங்கிக்கொள்ளுகிறார்கள் என்பது தெரியவில்லை. ஆகவே இந்தத் தீர்மானத்தை ஒருவரும் ஒப்புக்கொள்ளக்கூடாது. கனம் மந்திரி அவர்கள் இதை வாபீஸ் வாங்கிக்கொள்ளவேண்டும். இதை எல்லா அங்கத்தினர்களுக்கும் எதிர்த்து ஓட்டளிக்கவேண்டும் என்று கேட்டுக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

* SRI M. NARAYANA KURUP :—“ Mr. Speaker, I feel that no grounds have been made out for the amendment of the Constitution at this juncture. As has been already pointed out by the Hon. the Leader of the House, this Constitution was framed at a time of economic crisis when this country had not completely recovered from the shocks of war and the wounds of partition. Even then, the framers of the Constitution who had the benefit of experience of the working of the Government of India Act 1935 having given their fullest consideration to the matter, thought that these were not fit subjects to be included either in the Union List or in the Concurrent List, but that they should be included in the State List. Because of the emergency then prevailing, they thought it fit and sufficient to arm the Centre with power to legislate on and regulate these matters only for a temporary period of five years. Now, if a case has to be made out that the time should be further extended or that the powers should be assumed by the Centre permanently, at least the same conditions as were prevailing then or worse conditions should exist to-day. But from the pronouncements of the Ministers of the Central Government and also of the State Government—we are happy over those pronouncements—we understand that the situation has considerably eased due to the effective working of the Five-Year Plan and also due to the generosity shown to us by Nature. We have, therefore, turned the corner. The food situation is satisfactory and the Governments, both at the Centre and in the State, claim that they have got sufficient reserve stock with them to meet any emergency. Under such circumstances, an ordinary man cannot understand the reasoning given for the amendment of the Constitution proposed to be made. We must go into the matter deeper. This proposal only indicates a growing tendency in our country to concentrate all power in the Central Executive and aim at more and more centralisation. Our Constitution begins by saying that it is a Union of States which implies that it is federal in nature. But, considering the fact that all residuary powers are vested in the Centre, that the most important items or subjects are included in the Union List and the Concurrent List and that the unimportant subjects are included in the State List, one can really understand

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the bias. Therefore, though it can be called a Federal Constitution, it is in spirit a Unitary Constitution. Now, not being satisfied with that and dicetly in opposition to the Directive Principles contained in the Constitution which promise us decentralised power and economy, the Government have a growing tendency—and this is only a thin end of the wedge—to clothe the Centre with more and more power. Now, Sir, it is clear that there is no emergency, but the Central Government want to be prudent, and not to be taken unawares by not being fully armed to meet any unforeseen emergency. If that were not so, there is ample provision in the Constitution itself to meet such situations. Not only in regard to the items proposed to be transferred to the Concurrent List from the State List but in regard to all the items included in the State List, the Parliament can legislate under Article 249 of the Constitution if the Council of State passes such a resolution by a majority of not less than two-thirds of the members present and voting. Of course, it will be effective for only one year, but if the emergency is such that powers are needed for a longer period, then nothing prevents the Parliament, with an overwhelming majority for the ruling Party, from making permanent legislation or from making any changes in the Constitution during that period of one year.

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“ Therefore, as I said, this can be justified only for increasing centralisation. Then, it was mentioned that this State was also consulted before the constitutional amendment was pushed through, but the answer or the reply given there was itself with reservation. It has been suggested that though the Centre may take over these items, it will not be exercised as a matter of course or without consulting the State Government. When one is armed with power, we know how there is a tendency on his part to use it. All these reservations or use of the expressions like ‘ exceptional circumstances ’ and all that are thrown to the winds. The very existence of that power gives a tendency for them to use it. I am sure that, though our Government may feel that it would not be used without consultation between them, if at all it is used at any time it will be at the sweet will and discretion of the Central Parliament and Central Government. When all these items were under the Central Government, we have had considerable experience of how they were dealt with and how the Central Government had been using their powers. Can we say that during all this time when the Central Government was directly exercising control over food, cotton and other materials, real justice was meted out to the States? While we were starving for want of foodstuffs, our necessity and plight were being exploited by surplus States as their voices carried more weight with the Central Government. While we produced cotton, the Central Government through the Textile Commissioner at Bombay, commandeered all our cotton. As a result of this, all our handlooms and factories had to greatly suffer. All the raw materials were thus commandeered by the Central Government without any regard for the necessities of the State

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from which those materials were commandeered. So, the working has not at all been happy in the past. Though we may say for courtesy's sake that it was working well, I must say that it was not at all working satisfactorily in the past. However, if there is a national emergency, we do not mind the Central Government's requiring or taking over such powers. But at this stage, we feel there is no necessity and so I oppose this amendment."

* SRI V. GOPALA GOUNDER :—" கனம் சபாநாயகர் அவர்களே, இந்தத் தீர்மானத்தை ஆமோதிக்கக் கூடாதென்பதுதான் என்னுடைய அபிப்பிராயமாகும். கனம் நிதி அமைச்சர் அவர்கள் இதைப் பிரேரேபிக்கிற காலத்தில் இந்தத் திருத்த மசோதாவானது ஏற்கெனவே ராஜ்ய சபையாலும், பார்லிமெண்டாலும் அங்கீகரிக்கப்பட்டது. ஆகவே இதை நாமும் அங்கீகரிக்க வேண்டியது அவசியம் என்று கூறினர். அரசியலமைப்புச் சட்டத்தின் 7-வது ஷெட்யூலின் கீழுள்ள Concurrent லிஸ்டில் 33-வது entry இருக்கிறது. அந்த 33-வது எண்ட்ரி வியாபார விஷயமாகும். ஆகையால் எந்த விதத்திலே வியாபாரத்தைத் திருத்தியமைப்பது, எந்தெந்த பொருள்கள் விஷயமாக அமைப்பது என்பதையெல்லாம் இந்த விதி சட்டிக் காட்டுகிறது. அந்த விதி Concurrent லிஸ்டில் இருப்பதால் பார்லிமெண்டும், ராஜ்ய சர்க்காரும் அது விஷயமாக சட்டம் இயற்ற நியாயம் உண்டு. அந்த முறையிலே முதல் முதலே பார்லிமெண்டிலே இது விஷயமாகச் சட்டத்தை உண்டாக்கினார்கள். ராஜ்ய சர்க்காராகளும் இது சம்பந்தமாக கலந்தாலோசிக்கப்பட்டன. ஆகையால் இந்த சர்க்காரும் அதை ஆமோதித்தார்கள். அந்த சட்டம் இந்த ராஜ்யத்திலும் அமுலுக்கு வரும்.

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" இந்த திருத்தத்திலே சொல்லியிருக்கிறபடி உணவுப்பொருள்கள், பருத்தி, சணல் இவைகள் சம்பந்தப்பட்டவரை ஐந்து வருஷத்திற்கு பரிசீலித்ததாக பார்லிமெண்டிலே சட்டம் ஏற்படுத்தலாம் என்று 369-வது பிரிவிலே சொல்லப்பட்டிருக்கிறது. அதன்கீழ்தான் இந்த உணவுப்பொருள்கள், பருத்தி, சணல் ஆகியவைகள் ஐந்து வருஷத்திற்கு சேர்க்கப்பட்டிருக்கின்றன. அடுத்த வருஷம் ஜனவரி 25-ஆம் தேதியோடு கெடு முடிவாகிற படியால் மறுபடியும் உணவு உற்பத்தி அதிகாரத்தை நீடித்து வைத்துக் கொள்ளவேண்டுமென்ற முறையிலேதான் பார்லிமெண்டின் திருத்தத்தை கொண்டுவந்திருக்கிறார்கள்.

" ஏற்கெனவே இந்தச் சட்டம் பார்லிமெண்டிலும், ராஜ்ய சபையிலும் வருஷக்கு முன்னாலேயே அந்தந்த ராஜ்ய சர்க்கார்களை இது விஷயமாக அபிப்பிராயத்தைக் கேட்டதாகத் தெரிகிறது. ஆனால் பம்பாய் சர்க்கார் கண்டிப்பாக இதற்கு எதிர்ப்பைத் தெரிவித்ததாகச் சொல்லப்படுகிறது. இந்த சர்க்கார் இதுவரை யாதொரு பதிலும் சொல்லவில்லை. ஆகவே பின்னாலு பார்லிமெண்டில் விவாதத்திற்கு ஆசைப்பனை இருந்தம்கூட அது சட்டமாக அங்கே நிறைவேறியது. நம் ராஜ்யம் சம்பந்தப்பட்டமட்டில் இது அனேகமாக அமுலுக்கு வராத நிலையில் வந்துவிட்டது.

" ஏன் அங்கு எதிர்க்கப்பட்டது என்றால் ஒரு கனம் அங்கத்தினர் சொன்னபடி எல்லா அதிகாரங்களையும் தங்களுக்கையிலே வைத்துக்கொள்ள வேண்டுமென்ற நோக்கத்தில் பார்லிமெண்டில் திருத்த மசோதா கொண்டு வரப்பட்டதாகத் தெரிகிறது. ஏனெனில் உணவுப் பொருள்கள் என்ற விஷயத்தில், எண்ணெய் வித்துக்கள், மாட்டுத் தீவனங்கள், பருத்தி ஆகியவைகள் சேர்ந்திருக்கின்றன. மேலே சொன்ன பொருள்கள் அனைத்தும் நம் நாட்டில் விநியோகக்கூடிய வஸ்துக்கள். இது சம்பந்தப்பட்டமட்டில் நம் நாட்டிலே நம் ராஜ்ய சர்க்காருக்கு அதிகாரம் இருந்தால் அந்த பொருள்கள் ஜனங்களுக்குச் செல்வனே விநியோகம் செய்வதற்கும் செல்கரியமாக இருக்கும். அம்மாதிரியான சட்டத்தை ராஜ்ய சர்க்கார் ஏற்படுத்திக் கொள்ளுவது நல்லது. இந்த அதிகாரத்தை ஏற்கெனவே பார்லி

[Sri V. Gopala Gounder]

[17th December 1954]

மெண்ட் வைத்துக்கொண்டுவிட்டார்கள். இப்பொழுது பார்லிமெண்டுக்கு நாம் அதிகாரத்தைக் கொடுத்துவிடவேண்டுமென்று சொல்லுவது அவ்வளவு பிடித்தமானதல்ல. சுதந்தரத்திற்குப் பிறகு அரசியல் சட்டம் வந்தகாலத்திலே இந்த அதிகாரம் அவர்கள் இடத்திலே இருக்கலாம். பிறகு அந்தந்த ராஜ்யத்தின் நிலைமை சரியானதற்குப் பிறகு வருஷா வருஷம் அந்தந்த அதிகாரத்தை ராஜ்ய சர்க்கார்களுக்கு விட்டுவிடலாம். நிரந்தரமாகப் பார்லிமெண்டிலே சட்டம் ஏற்படுத்திக்கொள்ளலாம் என்ற நோக்கம் இருக்குமானால் ஐந்து வருஷத்திற்கு மாதிரிம் ஏற்படுத்த வேண்டிய அவசியம் இல்லை. அவர்களுடைய ரிப்போர்ட்டிலிருந்தே இது தெரிகிறது. சென்னை ராஜ்யம் சம்பந்தப்பட்டமட்டில் உணவுப் பொருள்கள் சம்பந்தமாக நிலைமை ரொம்ப திருப்திகரமாக இருக்கிறதென்று சொல்லுகிறார்கள். அப்படி இருக்கும்போது நம் நாட்டு ஜனங்களுக்கு ஒரு சனாகரியம் வருவதற்கு நம் சர்க்காரிடம் அதிகாரம் இருக்கவேண்டும்.

“உணவுக் கட்டுப்பாடு இருந்த காலத்தில் இந்த அதிகாரம் பூராவும் பார்லிமெண்டு கையில் இருந்தது. அந்த சமயத்தில் நம் நாடு குழப்பம் செய்தால் ஒன்றும் செய்யமுடியாது. அப்பொழுது முதல் மந்திரியாக இருந்த கனம் ராஜகோபாலாச்சாரி அவர்கள் ஏதோ ஒரு தந்திரமாக சட்டத்தை மாற்றி நமக்கு ஒரு நிவாரணம் கொடுத்தார். இப்பொழுது நம் நாட்டில் உணவு நிலைமை நன்றாக இருக்கிறது. நம்மிடத்திலே அதிகாரம் இருந்தால் நம் நாட்டின் தேவைக்குத் தகுந்தபடி உணவுப் பொருள்களை உற்பத்தி செய்யவும், விநியோகம் செய்யவும், மற்ற எந்த விதமான சனாகரியம் செய்வதற்கும் முடியும். ஆகவே இந்த அதிகாரத்தை அவர்களிடத்தில் கொடுப்பது நல்லதல்ல. நம்முடைய பக்கத்திலே இருக்கும் பம்பாய் சர்க்கார் எதிர்த்திருக்கிறார்கள். இன்னும் சில ராஜ்ய சர்க்கார்களும் எதிர்த்து இருக்கிறார்கள். ஆகவே நாமும் நம் கையில் இருக்கும் அந்த அதிகாரத்தை அவர்களுக்குக் கொடுக்கவேண்டிய அவசியம் இல்லை. கொடுப்பதினால் நமக்கு லாபமில்லை. பிரிட்டிஷ் ஏகாதிபத்தியம் இருந்த காலத்தில் இந்த அதிகாரம் அவர்கள் கையில் இருந்ததினால் சண்டையின்போது உணவுப்பொருள்களை ராணுவத்தினர் பயன்படுத்திக்கொண்டார்கள். ஜனங்களுக்கு சமயத்தில் உணவு கிடைக்காமல் ரொம்பவும் கஷ்டம் ஏற்பட்டது. ஜனங்கள் பஞ்சத்தால் துன்பப்பட்டார்கள். அந்த மாதிரி மத்திய சர்க்காருக்கு இந்த உணவுப்பொருள்களின்மீது அதிகாரம் இருக்குமானால் நம் நாட்டு மக்களுக்குக் கஷ்டங்கள் ஏற்படலாம். திடீரென்று மத்திய சர்க்கார் ஒரு உத்திரவு போட்டவுடனே தமிழ் நாட்டிலுள்ள உணவுப் பொருள்கள் கல்கத்தாவுக்கோ, புது டெல்லிக்குகோ கொண்டுபோகப்பட்டுவிடும். நம் நாட்டு மக்கள் உணவுப் பஞ்சத்தினால் வாடும்படியான நிலைமை ஏற்படும். ஆகவே இந்த அதிகாரத்தை நாம் கைவிடுவது சரியல்ல. மத்திய சர்க்காரிடம் இது விஷயத்தில் தாட்சண்யம் வேண்டாம். இந்த அதிகாரத்தை அவர்களுக்குக் கொடுப்பது நல்லதல்ல. ஆகவே இந்தத் தீர்மானத்தை நாம் எதிர்க்கத்தான் வேண்டும்.”

SRI M. PALANIYANDI :—“சபாநாயகர் அவர்களே, நிதி மந்திரி அவர்கள் பிரேரித்த பிரேரணையை நான் எதிர்த்துப் பேசும்போது சில வார்த்தைகள் பேச விரும்புகிறேன். மத்திய சர்க்காருக்கு அதிகமான அதிகாரங்கள் இருந்துகொண்டிருக்கின்றன என்று எங்கும் பேசப்படுகிறது. சாதாரணமாக வரி இனங்களை எடுத்துக்கொண்டாலும்கூட வேறு எந்த விஷயத்தை எடுத்துக்கொண்டாலும்கூட மத்திய சர்க்காரிடம் அதிகாரங்கள் குவிந்துகொண்டிருக்கின்றன என்று பேசப்படுவது யாருக்கும் தெரியும். இருந்தாலும்கூட ஏதோ ஐந்து ஆண்டுகளுக்கு முன்பு அரசியல் சட்டம் நிறைவேற்றப்பட்ட காலத்தில் இருந்த நிலைமைக்கேற்ப ஐந்து ஆண்டுகளுக்கு இந்த அதிகாரம் வேண்டுமென்று கேட்டிருந்தார்கள். ஆனால், மேலும் இது விஸ்தரிக்கப்படவேண்டுமென்று கேட்கப்படுகிறது. அரசியல் சட்டத்தின் 7-வது ஷெட்யூலில் ‘கண்கரண்ட் லிஸ்ட்’ டில் இது இருக்கிற படியால் இது விஸ்தரிக்கப்படவேண்டுமென்று மத்திய சர்க்கார் கேட்டிருக்கிறது. அதை அனேகமாக எல்லா அரசாங்கங்களும் எதிர்த்திருக்கின்றன.

17th December 1954] [Sri M. Palaniyandi]

“பார்லிமென்ட் ‘டிபேட்’ டைப் பார்க்கும்போது பல ராஜ்யங்கள் இதை எதிர்த்திருக்கிறார்கள். பார்லிமென்ட்டில் ஒரு அங்கத்தினர் பின் வருமாறு குறிப்பிட்டிருக்கிறார்—

“The biggest province in India, the U.P., has expressed no opinion. It is not listed here. Four States have opposed: Assam, Bihar, Bombay and Travancore-Cochin. No replies have been received from Madhya Pradesh, Mysore and Madras. Andhra has it under consideration. Agreement has been expressed by Madhya Bharat, Orissa, PEPSU, Sourashtra and West Bengal. These States put together do not have a population of even one-fourth of the total population of this country. Some of them are small; some of them, I may be permitted to say, are mostly client States of the Central Government. May I invite the attention of the hon. Minister who moved this amendment some time back, that in the course of his observations, he has said:

‘To sum up the reactions of the States . . .’

ஆகையால், பல ராஜ்ய சர்க்கார்கள் இதை எதிர்த்திருக்கின்றன. இருந்தாலுங்கூட அது சட்டசபையில் அங்கு நிறைவேற்றப்பட்டிருக்கிறது. அதற்கென நம்முடைய சபை முன்பும் ஒரு தீர்மானம் இப்பொழுது வந்திருக்கிறது. உண்மையாகப் பார்க்கும் காலத்தில், அதிகாரங்கள் ராஜ்யங்களுக்குப் பிரித்துக் கொடுக்கப்பட்டிருக்கவேண்டுமெனியோழிய, மேலும் மேலும் மத்திய சர்க்காருக்கு அதிகாரங்கள் இருந்துகொண்டிருப்பதைப் பார்க்க மிகவும் வருத்தமாக இருக்கிறது.

“மத்திய சட்டசபையிலும் சரி, சென்னை சட்டசபையிலும் சரி, ‘நல்ல மழை இருக்கிறது, உற்பத்தி பெருகி இருக்கிறது. பஞ்சம் இல்லை’ என்று சொல்லிக்கொண்டிருக்கும் காலத்தில் இந்த மாதிரி அதிகாரங்களை மத்திய சர்க்காருக்குச் சேர்த்துக்கொண்டிருப்பது முக்கியமாக நம் கவனத்திற்குரிய விஷயம். நிதி மந்திரி அவர்கள் சொல்லும் காலத்தில், ‘மத்திய சர்க்கார் சட்டம் செய்யும்போது சென்னை சர்க்காரையும் கேட்டுத்தான் செய்வார்கள்’ என்று தெரிவித்தார்கள். அதற்கு என்ன முக்கியத்துவம் இப்பொழுது வந்துவிட்டது? அவர்கள் எடுத்துக்கொள்வதற்கு, ஐந்து ஆண்டுகளுக்கு அதிகாரம் வேண்டுமென்று சொல்லிய பிறகு நிச்சயமாக அந்த அதிகாரங்கள் எல்லாம் ராஜ்ய சர்க்காருக்கு வந்துத்தான் தீர வேண்டுமே தவிர, மத்திய சர்க்காரிடம் இருக்க ஒரு வகையும் இல்லை. அசெம்பிளி மெம்பர்களாகிய நாம் கவனிப்பதற்கு நமக்குள்ள அதிகாரம் மேலும் மேலும் குறைந்துவருகிறது. இருந்த அதிகாரத்தையும் விட்டு விடுவது சரியல்ல.

“சிமெண்டு விலை கட்டுப்பாடும், விநியோகமும் மத்திய சர்க்காரை யையே இருக்கிறது. ஐந்து ரூபாய் வரி போடுகிறார்களென்றால், அது யாரிடமிருந்து வருகிறது? சாதாரண எழை மக்கள்தான் அதைக் கொடுக்கிறார்கள். அவர்கள்தான் பாதிக்கப்படுகிறார்கள். அந்த அதிகாரத்தை அவர்கள் வைத்துக்கொண்டு, ஐந்து ரூபாய்க்கு அதிகமாக சிமெண்டுக்கு விலை நிர்ணயிப்பது என்றால் அது பொது மக்களைப் பாதிக்கக்கூடியதாகும். அதிகமான அதிகாரங்களை மத்திய சர்க்காரிடமே குவித்துக்கொண்டிருப்பது சரியல்ல. ராஜ்ய சர்க்காருக்கும் சில அதிகாரங்கள் இருக்கவேண்டும். ஆகவே, ராஜ்ய சர்க்காரின் அதிகாரத்தை பிடுங்கக்கூடியதாகிய இந்தத் தீர்மானமானது சரியல்ல என்று சொல்லிக்கொள்ளுகின்றேன். இந்தத் தீர்மானத்தை நான் எதிர்த்துக்கின்றேன்.”

* SRI T. ANANTA PAI:—“Mr. Speaker, I rise to support the motion moved by the Hon. the Minister for Finance that the amendment of the Seventh Schedule to the Constitution of India, as passed by the Parliament, be ratified. This Bill involves the amendment of the Constitution itself. Many people feel that this is a simple amendment to the Constitution. I am afraid we cannot make any distinction between a simple amendment and a

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serious amendment to the Constitution. Because, I feel that any amendment to the Constitution is serious enough. Under the Constitution, it is necessary that the States must ratify the Centre's taking over some subjects from the State List to the Concurrent List. The Hon. Finance Minister was good enough to answer the other day that as the Central Government had given only three days' time for a reply to be sent regarding their opinion on this amendment, it was not possible for the State to comply with that request. While I support the amendment itself, I would rather prefer to draw the attention of the Central Government in this connexion to the fact that while certain powers are being assumed by them it is necessary that sufficient time must be granted to the State Governments to consider over the matter rather seriously. Because, while this Bill was discussed by the Parliament, I am sure the opinion of this Government was not available with it at that time though the State Government might have subsequently agreed or have fallen in line with them. Why it is necessary that the Central Government should assume such powers is quite a different matter altogether. I think the same thing has happened in the case of other States also. The whole thing is presented to the States as a *fait accompli* after the Parliament had passed this Bill. As it is more or less a post-mortem examination as it were, it is not possible for us to say as to whether these amendments are necessary or not. I do wish that the Central Government had given sufficient time to the States to consider over the matter. Otherwise this might be treated as a precedent with regard to the other amendments that are likely to follow. Though it may be said that this is not a very important amendment, in my opinion all amendments to the Constitution are important enough to deserve the careful consideration and time of the Legislatures of the various States as well. I do not say that as the Centre is assuming additional powers under this amendment, we should not agree to it. I do not think any part of India is greater than the nation itself. If in the interests of the nation it is considered that the Central Government must assume certain powers, I do not know why we should feel shy about it as citizens of India. We need not be afraid that the Central Government are encroaching upon our rights. Because, when some of the subjects are transferred to the Concurrent List, it is done only in cases of emergency. The Central Government assumes these powers only when the paramount needs of the country as a whole are to be safeguarded. It may be argued that to-day we are much better off in the matter of food and controls are not necessary. Sir, it is not as if we should take the present times alone into account. Because, an emergency cannot be foreseen now. In fact, there was a time when different parts of the country were affected by famine. At that time, various State Governments were very anxious to safeguard their own interests. Those who had food

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wanted the maximum amount of profit as they thought that in the interests of their citizens they should get the best price for their producers. On the other hand, those who were starving and who were overpopulated and who could not grow enough foodgrains for their people were very anxious to get foodgrains from other areas as cheaply as possible. Very often, it has been our own experience to see one State trying to benefit while another part of the country was starving. When we were a Composite State, i.e., before this State was partitioned, it has also been our experience to see that a particular State which was at that time part of the composite Madras State was reluctant to part with its surplus foodstuffs as it thought it should have its own autonomy.

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“ While we should concede that every State should have its own powers in the overall interest of the country, it is necessary that the Centre must have enough powers to see that the interests of the country as a whole are safeguarded. Now fortunately on account of good rains, on account of the good policies adopted by the Government and the various irrigation schemes started, our food position might have eased. But we must also consider that even the extra food that is grown everywhere will have its own effect. When the prices are stumbling down, the demand is growing from the farmers and growers of food that if the prices of other commodities do not come down proportionately, at least the Government must put a floor level to the agricultural products. That would be a legitimate claim because when big irrigation projects started elsewhere in other parts of the country are able to provide water to the fields in those parts of the country, the people there are able to grow food in greater quantities and that food is available for the other parts of the country also, in the interests of the citizens everywhere. When those food stuffs go to the other parts, that would create a reaction on the price levels in those parts. The prices would come down and reduce the purchasing power of the farmers who will have to dispose of their stocks at the general price levels brought about by the conditions in the whole country. In view of this and because we have not got over our difficulties and also because planning required co-ordinated effort by every part of the country, I do hope that nobody would grudge the Central Government being armed with these powers.”

* SRI M. P. SUBRAMANIAM :—“ கனம் சபாநாயகர் அவர்களே, இந்த ஒப்புதல் தீர்மானம் மூன்று மாதங்களுக்கு முன் மத்தியசர்க்கார் சட்ட சபையில் நிறைவேற்றப்பட்டு மாகாண சட்டசபையிலேயும் அனுமதிக்கப்பட வேண்டும் என்ற மறையிலே அனுப்பி இருக்கிறார்கள். கனம் நிதி அமைச்சர் அவர்கள் இதைப்பற்றி சட்டசபையில் குறிப்பிடும்போது இது ஒரு பெரிய முக்கியமான விஷயம் அல்ல என்றும் நமது சர்க்கார் உணவுப் பொருள்கள், ஆடுமாடுகள், உணவு, பருத்தி முதலியவைகளின்மீதுள்ள அதிகாரத்தை மத்திய அரசாங்கத்துக்கும் மாற்றுவதாகவும், மத்திய அரசாங்கம் இவைகளின் மீது சட்டம் இயற்றுவதற்கு முன் நன்றாக ஆலோசித்து அவ்வப்போது அந்தந்த மாகாணங்களை கலந்து ஆலோசிப்பது

[Sri M. P. Subramanian]

[17th December 1954]

பார்கள் என்று சொன்னார்கள். சாதாரணமாக அரசியல் சட்டமானது மற்ற சட்டங்களைப்போன்றதல்ல. ஏனென்றால் சாதாரணமாக ஒரு சட்டம் நிறைவேற்றப்பட்டு சிறிது காலத்திற்குள் அதைமாற்றி அமைக்கவேண்டுமென்ற அவசியம் ஏற்பட்டால் நாம் இந்த சட்டசபையில் திருத்திக்கொள்ளலாம். ஆனால் அரசியல் சட்டத்தை அவ்வாறு அடிக்கடி திருத்த முடியாது. அவ்வாறு திருத்த மசோதாவை இந்த சட்டசபையில் செய்தபின் பிறகு அமல் செய்யும்போதும் மத்திய அரசாங்கம் மாகாண அரசாங்கத்தை கலந்து ஆலோசித்துதான் செய்வார்கள் என்று சொல்லப்பட்டது. ஆனால் இப்போது கொண்டுவரப்பட்டுள்ள திருத்தத்தைபற்றி மத்திய அரசாங்கம் 1953-ம் வருஷத்திற்குள் அபிப்பிராயம் தெரிவிக்கும்படி கேட்டு இருந்தபோதிலும், இதுவரையில் சென்னை அரசாங்கம் ஏன் தன்னுடைய அபிப்பிராயத்தைக்கொடுக்கவில்லை. சட்டசபையில் தேர்ந்தெடுக்கப்பட்ட பொதுமக்கள் ஆலோசிப்பதற்கு ஒருவித வாய்ப்பும் இதுவரையில் கொடுக்காமல் இருந்தது எனக்குப் புரியவில்லை. மத்திய அரசாங்கம் 1953-ம் வருஷம் ஆகஸ்டுமாதத்தில் அனுப்பின கடிதத்துக்கு இவ்வருஷம் செப்டம்பர் மாதத்தில்தான் அபிப்பிராயம் தெரிவிக்கப்பட்டது. என்ன பதில்? இன்னும் ஆலோசித்து கொண்டிருக்கிறோம் என்று சொல்லுகிறவர்களிடம் நம் ராஜ்யத்திலுள்ள பொது மக்களின் நன்மையை எப்படி இவர்களிடத்தில் ஒப்படைப்பது என்று கேட்கிறேன். கனம் நிதி மந்திரி அவர்கள் இவ்விஷயத்தைப்பற்றி எவ்வளவோ ஆறுதல் சொன்னாலும், எங்களுக்குக்கொஞ்சம்கூட நம்பிக்கை இல்லை. தவிர மத்திய அரசாங்கம் உணவுப்பொருள்கள், ஆடுமாடுகள், உணவு, பருத்தி முதலியவைகளின் மீதுள்ள அதிகாரத்தை மாகாண அரசாங்கத்தினரிடமிருந்து மாற்றிக்கொள்வதற்கான விஷயம் ஒரு சாதாரண திருத்தமல்ல. அரசியல் சட்டம் ஆரம்பித்து ஐந்து ஆண்டுகளுக்கு பிறகு இந்த திருத்தத்தின் மூலமாக மாகாண அரசாங்கத்தின் அதிகாரத்தை மத்திய அரசாங்கம் மாற்றிக்கொள்வது ஒரு சாதாரண விஷயமல்ல. இம்மாதிரி மாகாண அரசாங்கம் மத்திய அரசாங்கத்திற்கு கொடுத்துவிட்ட பிறகு மத்திய அரசாங்கம் சட்டம் கொண்டுவந்தால் மாகாண அரசாங்க சட்டமானது முரண்பட்டது என்று சொல்லப்பட்டு, அந்த மாகாண சட்டம் செல்லாது என்று சொல்லுவார்கள். ஆதலால் உண்மையாக, நடைமுறையில் பார்க்கப்போனால், இந்தத் திருத்தம் கொஞ்சன்கொஞ்சமாக மாகாண அரசாங்கத்தின் அதிகாரத்தை குறைப்பதற்கே கொண்டுவரப்பட்டது என்பதை மறந்துவிடக்கூடாது. இதனால் ஏற்படக்கூடிய விளைவுகள் மாகாண அரசாங்கத்தை எப்படி பாதிக்கும் என்ற கண்ணோட்டத்துடன் நாம் இந்த விஷயத்தைக்கவனிக்கவேண்டும்.

“சாதாரணமாக இப்போது அரசியல் சட்டம் ஏற்பட்டு 5 ஆண்டுகள் கூட பூர்த்தியாகவில்லை. ஆனால் அதை இதுவரையில் மூன்று தடவைகள் மத்திய அரசாங்கம் திருத்தியிருக்கிறார்கள். பொதுமக்களின் நன்மைகளைக்கருதி இவ்வாறு திருத்தங்கள் செய்யப்பட்டது என்று சொன்னாலும், இதுமாகாண அரசாங்கத்தின் உரிமைகளை பாதிக்கக்கூடியதாக இருக்கிறது. உதாரணமாக மாகாண அரசாங்கம் பணம் இல்லாமல் எவ்வளவோ காரியங்களை பொதுமக்களுக்கு செய்யமுடியாமல் இருக்கிறார்கள். அவர்களுக்குத் தாராளமாக பண உதவி அளிக்காமல் இப்போது இருக்கக்கூடிய உரிமைகளையும் பறித்துக்கொண்டால் மாகாண அரசாங்கம் பொதுமக்களுக்கு எவ்வாறு உதவிசெய்யமுடியும். அரசாங்கம் ஐந்தாண்டு திட்டத்தில் 2,300 கோடி ரூபாய் செலவழிப்பதாக முடிவு செய்து இருக்கிறது. அதில் 50 சத விதத்திற்கு அதிகமாக மத்திய அரசாங்கத்தின் செலவினங்களின் கீழ் வருகிறது. சென்னைச்சட்டசபையில் கைத்தறி நெசவாளர்களுக்கு நிவாரணம் அளிப்பதற்காக ஏகமனதாக ஒரு தீர்மானம் நிறைவேற்றப்பட்டும் அதன்மீது இதுவரையில் மத்திய அரசாங்கம் ஒருவித பரிகாரமும் தேடவில்லை. அப்படியிருக்கும் நிலையில் நமக்கு இருக்கிற கொஞ்ச உரிமைகளையும் கூட மத்திய அரசாங்கத்திற்கு கொடுத்துவிட்டால் நமது மக்கள் எப்படி நன்றாக வாழமுடியும். தவிர நமது மாகாண சர்க்கார் பஞ்சாயத்து போர்டின்

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அதிகாரத்தை இன்னும் உயர்த்துவதற்கு யோசித்துக்கொண்டிருக்கும் போது இவ்வாறு கொஞ்சம் கொஞ்சமாக நமக்கு இருக்கும் அதிகாரத்தைக் கொடுத்துவிடுவது எனக்கொன்றும் புரியவில்லை. இதனால் காங்கிரஸின் செலவாகக் குறைந்துகொண்டே வருகிறது என்று தெரிகிறது. ஆதலால் இந்த மாகாண அதிகாரத்தை மத்திய சர்க்கார் சிறுக்கச் சிறுக்கப் பாத்துக்கொள்வதால் இதை மனப்பூர்வமாக ஒப்புக்கொள்ளக்கூடாது என்று கேட்டுக்கொள்ளுகிறேன்.

DR. K. B. MENON :— Mr. Speaker, Sir, I wish to register my protest against this inroad by the Centre on the State. I am not so much concerned about the transfer of an item from the State List of the Concurrent List. That seems to me is only the symptom of a deeper disease. The very division of the subjects under three lists, Union, Concurrent and the State is rather elusive and unnecessary because the Concurrent List is practically a Union List and I do not see why there should be this division under three different heads. But that is not the point. The point is the centralization of powers at the Centre. Sir, this is not a new issue. It is an issue that is as old as the history of Federation. This struggle between the Centre and the States was there in the United States and a fight royal was waged in the Senate between those who stood for powers for the Centre and those who stood for powers for the States. That same issue is cropping up in India now. But we are not a federation. We are not a Unitary State. Our position is something in between. I feel that that was the result of the wholesome influence of the Father of our Nation, Mahatma Gandhi. I feel he wanted decentralization of powers as much as possible. He was against centralization. He wanted that the man in the street should exercise power. Now in centralization, the danger is not only in the Centre making inroads on the powers of the States, it also affects the individuals, it tries to rob the individuals of their powers. This is an attempt on the part of the Centre and the States together trying to rob the individual of his rights. Consequently I feel here is a diminution of the rights of the individual in the country. It is very difficult under such circumstances even to preserve the federation because many of our States are big, many bigger than many of the independent States in Europe. There are also numerous factors in our country that work against centralization of power. Under these circumstances I feel that the only way to preserve the Union is to devolve the powers as far as possible on the States, to decentralize powers and give the States as much power as possible. We must even go further down to the villages and give them as much power as possible. Any effort at centralization of powers, any effort to make the States feel that they are losing their power, makes the individual feel that he is being deprived of his powers and rights. I feel it will only be endangering the very existence of the Union. Our Constitution is loaded with very many safeguards. The Weimier Constitution was also loaded with very many safeguards.

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5-20 p.m. We know the fact that overtook that Constitution. It could not stand a crisis. That fate may await our Constitution because as I said, it is also loaded with safeguards. Transfer of powers from the States to the Centre will still further endanger the Union."

SRI P. RAMAMURTHI:—"Mr. Speaker, Sir, this is the third amendment that the Constitution is undergoing during its life of hardly five years; the Constitution is to complete its period of five years only on 26th January 1955. But before that three amendments have been made. (Interruption.) It is the third attempt at amending the Constitution.

"Sir, I am certainly not enamoured of the Constitution. Therefore the fact that the Constitution is being amended for the third time during the course of the last four years is not something about which I need feel any adhorrence. But what we should see is this. For what purposes has the Constitution been amended? Sir, it has been repeatedly said that the Constitution should not be very easily tampered with, that it is a sacred document, its sacrosanctness must be accepted by everybody and we should not easily try to amend it or change the provisions in the Constitution. Sir, this is the usual argument that is doled out to us from time to time. But there are certain very crying needs of the people to satisfy which the amendment or changing the provisions of the Constitution is very necessary. Sir, the other day Pandit Jawaharlal Nehru the Prime Minister of India speaking at a public meeting in Orissa said that the Supreme Court judgments stood in the way of the land reform policy of the Government being carried out. Though the Central Government were willing to do something for the good of the peasantry of this country, it was said, the wonderful Supreme Court came and stood in the way of the wonderful Central Government doing that good thing. When the Prime Minister was touring the country in 1951-52 in connection with the election campaign he told his audience everywhere that the Supreme Court came and stood in the way, the question of payment of compensation and all those other things stood in the way of doing something good to the people of this country. Then again when the question of taking over of the Sholapur Mills came up when the management was looting the workers and the shareholders it was stated that the Supreme Court came and stood in the way of this thing being done. Sir, these are the crying needs of the people. To amend the Constitution in order to see that these crying needs are met, they did not feel there was an emergency. They seem to think that these things can go on waiting.

"Sir, let us see for what purpose the first amendment was undertaken. The very first amendment of the Constitution was made for the purpose of abridging the fundamental rights that were granted under Article 19 of the Constitution. When it comes to the question of putting people in jail without any enquiry

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without even the right of trial, then of course, if the old Constitution came in the way, then certainly at breakneck speed within even 24 hours, the Parliament is summoned, the amendment to Constitution is rushed through and the amendment is passed. That kind of thing becomes very, very important and emergent. But when it is a question of granting the fundamental rights and benefits to the common people, to the workers, to the peasants then they say the Constitution comes in the way and the amendment should go on waiting. Sir, we have been told that the Congress Working Committee has been considering the question of amending Articles 31 and 32 of the Constitution. For four years they are considering this question and we do not know where we are standing now. Only when it comes to the question of helping the people all these considerations are urged.

Let us now consider what is the particular urgency for this amendment. Why is it said to be very important and what is the urgency that has necessitated the amendment of the Constitution in this respect? What is the urgency for rushing through this amendment like this? In this connection I would like to point out this particular point. When we look at the question as a whole then we will know why this amendment has been necessitated. But I would like to ask: Is this necessary at all? Sir, the whole National Movement itself has laid down certain fundamental principles with regard to the bifurcation of functions between the Centre and the States. Right from 1929 the National Movement has been laying down that any future Constitution of this country must lay greater emphasis on the question of provincial autonomy, on the question of autonomy for the States and on the fact that the Centre should have the least power. The National Movement evolved along certain lines. That was the spirit of the resolutions passed in the year 1929 and in subsequent years. There are a number of resolutions of the Congress stressing this point. I am only reminding hon. Members who belong to the Congress party and who may not know the Congress history."

* SRI K. RAJARAM NAIDU :—" It is an insult to the Congress Members, Sir."

MR. SPEAKER :—" He did not mean it seriously. Don't take it seriously."

* SRI K. RAJARAM NAIDU :—" It is not quite proper on the part of the hon. the Leader of the Opposition to say that the Congress Members do not know the history of the Congress."

SRI P. RAMAMURTHI :—" Sir, I am not saying every hon. Member belonging to the Congress Party does not know the Congress history. I do not say that all the hon. Members on the side opposite do not know the history of the Congress. I have my fear, Sir, that there are some hon. Members belonging to that party who may not know that history."

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“ Sir, what I wanted to point out is this. Even as early as 1942 the Congress passed a very important resolution on the question of the future set up of the Constitution for India. It was pointed out then that the Constitution in this country shall be a federal one where the power should go to the units. In the year 1946, our Prime Minister, Pandit Jawaharlal Nehru moved a resolution in the Constituent Assembly, called the ‘ Objectives Resolution ’. What was it that was stated in that resolution? He stated then that we should frame a Constitution wherein greater powers shall be vested in the various States, because we then aimed at a federal unit. He also stated then that by virtue of the fact that we were aiming at a federal structure, the residuary power must vest with the States, the units. That was the ‘ Objectives Resolution ’ passed by the Constituent Assembly in the year 1946. Those were the types of resolutions that were passed then. I would like to ask: Have conditions changed between 1946 and 1954 or between 1946 and 1950 when the Constitution came into force? What were the things that happened . . . ”

AN HON. MEMBER :—“ Pakistan came into being.”

SRI P. RAMAMURTHI :—“ The coming into existence of Pakistan is not the reason for our asking for greater powers for the Centre, or for the States. These things arose out of a generation of history, of the development of the struggle for freedom in this country. Even before Pakistan came into existence, even before the question of separation arose, this question was thrashed out in the course of the development of the National Movement and the Congress decided that because ours was a multi-lingual country, because there were centrifugal forces working in our country, the various units such as the Tamil Nad, Andhra, Malabar should get the impression that they have the greatest powers for the proper and full development of each unit so that they can unite together, so that they can come together, on the basis of the common question that affected them all.

5-30
P.M.

“ That is the fundamental principle on which this whole question was based. After 1946 the question has been thrown overboard with the result that in the final Constitution passed in 1950 we decided that the Residuary powers will vest not in the States but in the Centre. Anyway, what we are now concerned with is, what we are now seeking to do. Certain new items which were previously under the exclusive monopoly of the States are now sought to be transferred to the Centre. These items are covered in the present Resolution. They are, food supply, edible oil, oil seeds, cattle fodder, raw cotton and articles of that type, Now it is stated ‘ all these articles have become necessary because we are now thinking of a plan ’. I would like to point out that the idea of planning is not something new to the Congress. As

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early as 1939, if I remember aright, Pandit Nehru was the President of the National Planning Committee and the National Planning Committee had gone into the whole question. In 1946 itself after the Congress assumed office at the Centre, there was the National Planning Advisory Committee of which, if I remember aright—I do not remember the exact name—Mr. Neogy was the President. Therefore, the idea of planning has been for ever and ever present in the mind of the Government and in the organization or movement that controlled the Government. All this time they have been having the idea of planning in view. In spite of it, they felt that the States must enjoy wide powers because that will lead to the greatest harmonious development of the people, on the basis of willing co-operation, without any kind of compulsion, without a feeling of compulsion or without a feeling of any kind of coercion being present in the national development of the people. Therefore, it was decided in that way. Now we are told that there is an emergency. What is the emergency? It was argued, for example, that the Madras Government had agreed to the Centre taking over power for all these items on the understanding that it should be utilized only in cases of emergency and that too with the closest consultation and maximum concurrence of the State Government. In using the words of the Hon. Sri Subramaniam mentioned in his speech, it can be used only on the following conditions. First of all, there must be an emergency. Secondly, there must be closest consultation and thirdly there must be maximum concurrence. Only if these three conditions are fulfilled, the Central Government can utilise this power. This is what the Madras Government have written to the Central Government. Now I would like to ask, if it is a question of emergency, where is the need for this amendment at all? Are there not other provisions in the present Constitution itself to meet this contingency? Under the Constitution if there is an emergency, the Parliament can take power, if I remember aright, under article 249 when the Rajya Sabha—Rajva Sabha represents the States directly and not the Lok Sabha which does not represent the States directly—by passing a Resolution by a two-third majority can certainly declare that there is an emergency and take any subject under the wing of the Central Government. Therefore, even if it is a question of emergency this amendment is not absolutely necessary. So, the Madras Government saying that the Central Government should utilise this power only if there is an emergency is begging the question because the power is demanded not for that purpose and not necessarily in an emergency but to use it at any time the Central Government may desire. All that I would ask is, who is to guarantee that this power will be utilised by the Centre only if there is a case of emergency? We cannot rely on the promises of the Government. After all, Sir, when an amendment was proposed to the Industrial Disputes Act in 1951, the then Labour Minister promised that the

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Government of India would take power to interfere with the awards only in the case of social justice. We know what happened when the Central Government interfered with the Bank Award. Yet we are told that social justice has been done to bank employees by raising their standard of living! We know all that. We are not prepared to trust any promises that may be made. Once a person is clothed with certain power, you cannot trust him that he will use it only in a situation which you would think to be an emergency. You cannot vest absolute power in the Central Government. Now I would like to ask, what power remains in the States? The Hon. Sri Subramaniam was stating that after all concurrent legislation does not take away the initiative of the State Government and the State Government also can take the initiative in respect of these items. I know how the State Government have taken initiative in respect of matters which are under the Concurrent List in the past. For example, during the last two years, question after question has been put to the Hon. Minister for Labour with regard to the State Government initiating legislation on certain very simple problems affecting labour. The answer that I have been receiving during the last two years is, that this question will be considered by the Central Government because it comes under the Concurrent List and all the States are involved. Not only this Government but also the Bombay Government and the West Bengal Government are involved in the matter. I also know how a simple legislation like the recognition of trade unions and industrial relations has been hanging fire from 1950 and thus we could not have legislation in spite of the fact that the State Government have got powers to initiate legislation. On this question that power has not been utilised. If this is the way in which the State Government have behaved in a matter of this kind, how can we expect the Central Government to initiate legislation when the field is no longer open to the State Government. You might legislate with regard to a particular subject but if the Central Government had already legislated on it the State Government were totally shut out. That is why some Members of the Parliament called it as a question of occupying the territory of the States. There is no knowing where our own position will be. The Central Government has got power to legislate with regard to industries, commerce, products of industries—a very wide field—practically the whole industrial field of the States also. Firstly with regard to food, they have taken powers. Now comes the demand for legislating on subjects like edible oil, cotton, oil seeds, etc. Then what remains for our economy over which we have got the right to legislate? The power to legislate over the entire field of economy, the entire field of production is handed over to the Central Government. Sir, we are told that this is necessary because the interests of our country are very much vitally involved. After all, the Central Government have got power to control the

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price of raw jute. How did they control? Everybody knows that in 1952 the price of raw jute nearly tumbled down to forty per cent and there was an acute crisis in the jute trade. The peasantry of Bihar and Bengal were very much affected by it, but did the Central Government come forward to legislate for the purpose of giving a fair price to the jute growers? So also in 1952 the price of cotton fell down. Did the Central Government interfere in order to fix a proper price and thus save the peasantry of Tamil Nad from the clutches of the industrialists? Similarly with regard to chillies and onions, did the Government interfere in the matter of fixing a fair price? Have the peasants of our State who grow chillies, tapioca and onions been benefited? Now, I would like to ask, have the Central Government all these years utilised these powers in the interests of the peasants, in the interests of the people and in the interests of the country or have they utilised them in the interests of the big monopoly capitalists—both British and Indian.

“ History shows that all these years the Central Government have utilised their powers entirely in the interests of the British monopolists, jute ‘ kings ’, cotton ‘ kings ’, textile magnates, etc. Therefore, I should like to ask, why should I trust this wonderful Government, or for the matter of that, why should I ask anybody to trust them? Take again, Sir, the sugarcane industry. In 1951, the Planning Commission stated that their target, in the matter of production of sugar in the country, was 15 lakhs of tons. The Planning Commission announced in 1952 that the target was reached that year. Again in 1953, the Planning Commission said that production had fallen. It fell, because, the price of sugarcane was reduced from Re. 1-12-0 to Re. 1-5-0. To-day the price is probably Re. 1-7-0. As a result of the reduction in price, the sugarcane growers refused to grow as much quantity of sugarcane as they were doing before. But the mill magnates during that period made a good profit. They got about 50 crores of rupees as a result of the reduction in the price of sugarcane. Let us come to our State and see what our Government have done to implement the SISMA formula arrived at between the Parry & Co. and the sugarcane growers. When the Parry & Co. refused to implement the SISMA formula, the State Government could not intervene to see that the company implemented the agreement; because the powers of this Government have been taken over by the Central Government in this respect, they are feeling helpless before the peasantry of South Arcot district. The State Government find themselves in an absolutely ridiculous position. The peasantry in South Arcot district cannot go to Delhi and meet Sri P. Deshmuk, Minister for Agriculture in the Central Government, and ask him to see that the Parry & Co. implements the agreement. They can only look to the Chief Minister of this State for the redressal of their difficulties. They think that the

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Chief Minister of our State has got wonderful powers. Actually he has not got any powers and he has to cut a very sorry figure before the peasantry.

“ In their own interest, I am asking the Members of the Congress Party to look at the problem not from their party point of view, but from the point of view of the common people. This is not a party question at all. I say to the Government, ‘ Do not hand over this power to the Central Government. Handing over such a power will mean a very great danger. It will mean further concentration of power in the Central Government ’. I do not wish to go into the purposes for which the Central Government seek this power. The Central Government want this power not for a temporary period but permanently so long as the present Constitution lasts. When they ask such a power permanently, there is something sinister about it. It means that they want to have a greater say in all these matters. The Government may repudiate such idea. But it is a well known fact that the biggest capitalists in this country have got the highest voice as far as the policies of the Central Government are concerned and they will influence the policies of the Government to their own interest. Democratic control or democratic pressure over the Government with regard to laying down policies on these questions which are vitally affecting our people will become virtually an impossible thing if the power sought for is handed over to the Central Government. Therefore, I would request the Madras Government to think seriously. They have themselves accepted to hand over the power with certain reservations but there is no guarantee that their reservations will be honoured. I would ask the Government to reconsider the whole question and retrace their steps. I would ask the Hon. Finance Minister to vote against his own resolution and thus vindicate the honour and the democratic principles of the people of this State.”

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Speaker, Sir, for persons who have perused the proceedings of the Parliament, the attitude taken by the hon. Leader of the Opposition would not have come as a surprise. The Communist Party in the Parliament had opposed this amendment to the Constitution. Naturally the hon. Leader of the Opposition here cannot take a different line here, even though as far as this amendment to the Constitution is concerned, my own view is that it is in the interests of this State for reasons which I shall state a little later.”

SRI P. RAMAMURTHI :—“ I would like to state to the Hon. the Finance Minister that I took this decision not because the Parliament Members of my Party opposed it but because in deciding the attitude of the Members of that Party, we have also had a hand.”

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* THE HON. SRI C. SUBRAMANIAM :—“ Yes, the interests of this State have not been taken into consideration in taking a decision! A decision has been taken by the Communist Party of India whether it is in the interests of this State or not and whether it is being opposed here or not. Here, Sir, is centralization to the worst extent possible, and that is our complaint, with regard to the Communist Party; not only with reference to the Communist Party as it is constituted in India but also, being an international Party, decisions are taken at an international level. Of course, decisions may be arrived at in consultation, but centralization is carried on at the level of the Central Communist Party. Therefore, I am not surprised at the attitude taken by the hon. Leader of the Opposition.

“ Then, Sir, the hon. Leader of the Opposition went on to point out that the Congress Party had been shifting grounds with reference to the powers to be given to the State Governments and to the Government at the Centre. He further stated that provincial autonomy was the watchword of the Congress during its struggle against the British Government. I do agree that during that period we were trying to get more and more power for the Provincial Governments. As far as the Central Government was concerned, we were not very hopeful to get into power there. Therefore, we wanted for the Provincial Governments as much powers as possible so that we could have the entire control of the administration at least in the provinces. In 1946, when we wanted to get for the State Governments greater powers, the picture in the provinces was that there was a majority of Muslims in certain areas and a majority of Hindu population in certain areas and so to say there was conflict between one province and another province. Then as a concession to the Muslims, we agreed that the Provinces shall have as much powers as possible and that the Centre shall have limited powers only. That was the picture in 1946. After the partition of the country when we took over power from the British, we had to take into consideration what would be in the best interests of the country for the purpose of building up the prosperity of the country as a whole. We may be right or we may have erred but history alone will show whether we were right or wrong. As far as we are concerned we thought that it was necessary to have greater powers for the Centre for the purpose of building up our country so that the unity of the country was maintained. We also thought that we should have a more centralised Constitution rather than more powers to the States. As far as we are concerned, we did not regret the steps we have taken, and we still feel we have taken the right step. Then hon. Leader of Opposition need not be under the impression that we are shifting our ground or we are changing our attitude. After all if it is necessary to do so in view of the changing circumstances, we have to change and nobody can take objection to it. We cannot have fixed views in regard to various

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matters in a change world. The hon. Leader of Opposition will himself say that circumstances in this world are going on changing and no one can have fixed views. As far as we are concerned, we have to change so that we may adopt ourselves to changing circumstances.

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“ Apart from that the hon. the Leader of the Opposition made another point regarding ‘ emergency ’, and said that after all there was a provision in the Constitution to deal with an emergency. He quoted my reference to that word. But I said ‘ emergency ’ not in the sense of a National Emergency when the President is vested with power to take over all the powers vested in the States. I did not refer to that emergency and certainly not with reference to those Articles of the Constitution.

“ Take for example, foodstuffs. There is scarcity of foodstuffs in certain places and after all many States are not self-sufficient in foodstuffs. There are certain States which are surplus as far as foodstuffs are concerned and there are a large number of other States which are deficit States. Should there not be a co-ordinated policy as far as foodstuffs are concerned? Should each State pursue its own policy and should they be allowed to say, ‘ No, no. So far as we are concerned, we will pursue our own policy ’. We do not agree that one State should take that attitude, when the neighbouring State is suffering due to scarcity.

“ The hon. the Leader of the Opposition quoted Articles 249 of the Constitution. But any action taken under that Article will continue for one year and one year alone. Let us take our own State. As far as this motion is concerned, we have to take into consideration the peculiar circumstances prevailing in our State. Are we self-sufficient as far as foodstuffs are concerned? So far as rice is concerned, we have to get it from other States. We have to depend upon the sweet will and pleasure of each State, dictating its own terms. Should we not have a co-ordinated and centralized policy for the requirements of the country as a whole? The country as a whole must be taken into consideration and the policy with regard to foodstuffs should be accordingly determined. In fact, we were consulted and we have given our views, even though the hon. the Leader of the Opposition may not agree with it. Because there has been consultation by the Central Committee of the Communist Party it is democratic; but even though the Central Government has consulted all the State Governments, they are acting in an autocratic manner according to the Leader of the Opposition. Is that so? If consultation will mean acting democratically, I do not see how one principle would apply so far as the Communist Party is concerned, and another principle as far as the Congress is concerned. I suppose the same principle should apply everywhere. Therefore, we cannot accept this statement, namely, that we are not being consulted and that the Centre is imposing something upon us.

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“ After all, even taking for granted that we are handing over certain powers to the Centre, are we handing over power to Russia or England or to any other foreign power? We are handing over only to those who are our own representatives and not to anybody else. They are as much peoples’ representatives as we are here. To say that we here are something different from the Centre promotes a fissiparous tendency which should be curbed at every point. Therefore, we have to look at this question from the point of view of the larger interests of the country as a whole, whether it is necessary or not, whether we should have the power or the Centre should have the power. If only this question is viewed from that point of view, I have absolutely no doubt, that the answer will be in the affirmative as far as my motion is concerned. But the hon. the Leader of the Opposition wanted to confuse the whole issue and stated, ‘ here is the Central Government as opposed to the State Governments; you want to hand over the powers which the State is having. We have got to maintain that power with us at any cost.’ But I submit we should not view it from the point of view of ‘ handing over ’ certain powers to the Centre. Whatever power you have, whether a little more of it or a little less of it, it is not quite material.

“ Sir, as far as the Constitution is concerned and the powers which have been vested in the Central Government and the powers which have been vested in the State Governments are concerned, I have got my own views and it is not with reference to those powers I have any grievance. But what is wrong now and what is upsetting the balance is the financial unbalance and that is upsetting the economy of the States. It is there we have to fight. We have to get to the State greater financial resources so that we may be able to build up our State as a whole. Leaving that apart, it is quite unnecessary to fight for these minor things. Let us not miss that important point and be fighting for small points which ultimately may be beneficial and which are likely to be beneficial as far as our State is concerned. I have expressed my opinion and have been expressing it that the State Governments should have greater financial resources so that they may be able to tackle all the problems which arise in the State. Let us, therefore, not confuse the issues.

“ Therefore, viewed from this aspect, I am sure we are not losing anything by agreeing to this amendment. It is to our benefit. I may be wrong and the hon. Leader of the Opposition may have other facts in his possession which he has not disclosed, excepting appealing to our emotions. But as far as I could see, I have studied the entire facts and I have gone into their full implications. It is only after that that we gave our reply to the Central Government; and as we did not want to give a hurried reply we gave our reply after full consideration of the whole thing. I have absolutely no doubt that it is in the best interests of our State. ✓

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“ The hon. Member, Sri Palanisamy, remarked that Bengal and Bombay have opposed. Probably he does not understand the issue. Do you want us to follow them? I am not prepared. Why are they opposing? They are opposing for some reasons of their own. Simply because Bengal and Bombay have opposed, should we follow suit? We have to consider what would be in the interests of our State. I respectfully submit that as far as the State Government is concerned, we need not have any hesitation to endorse this amendment. It is in the best interests of our State. Even to the hon. Leader of the Opposition, I say let him not be carried away by the decision of the Central Committee of the Communist Party. Let him look at this from the viewpoint of the State and if he takes that point of view, I have absolutely no doubt, that he will change his opinion and vote with me. Thank you, Sir.”

MR. SPEAKER :—“ The question is—

‘ This House ratifies the amendment of the Seventh Schedule to the Constitution of India, proposed to be made by the Constitution (Third Amendment) Bill, 1954, as passed by the two Houses of Parliament.’ ”

The motion was put and carried.

III.—GOVERNMENT BILLS—*cont.*

(5) THE MADRAS CINEMAS (REGULATION) BILL, 1954.

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I beg to introduce the Madras Cinemas (Regulation) Bill^a, 1954, and move that—

‘ The Bill be taken into consideration at once.’

“ Sir, the Cinematograph Act of 1918 is the law in force which deals with two separate matters, namely—

(a) examination and certification of films as suitable for public exhibition; and

(b) regulation of cinemas including their licensing.

The subject of sanctioning a film for exhibition has been included in the Union List in the Seventh Schedule of the Constitution and regulation of cinemas including their licensing is in the State List. As there has been no clear demarcation of the respective provisions of the Act with which the Centre and the State Governments are concerned, the provisions of the Cinematograph Act of 1918 have been re-enacted by Parliament separating those relating to sanctioning films for exhibition which is a subject falling within the Union List from those of regulating cinemas including their licensing which is a State subject.

6 p.m. “ The new Act which is called the Cinematograph Act, 1952, came into force on 28th July 1952. The Government of India have suggested that legislation may be undertaken by this

^a Published in the Fort St. George Gazette Extraordinary, dated 6th December 1954.